

Case No.: A-10051-C  
Carozza Property

Applicant: Maria Volpe and Sandra Carey

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,  
SITTING AS THE DISTRICT COUNCIL

FINAL CONDITIONAL ZONING APPROVAL

AN ORDINANCE to incorporate acceptance of conditional zoning approved in Zoning Ordinance No. 1-2022, and to grant final conditional zoning approval in Zoning Map Amendment A-10051-C.<sup>1</sup>

WHEREAS, on February 8, 2022, the District Council enacted Zoning Ordinance No. 1-2022, to conditionally approve Zoning Map Amendment A-10051-C, to rezone approximately 60.02 acres from R-R (Rural Residential) Zone to M-X-T (Mixed Use-Transportation Oriented) Zone, located in the southwest quadrant of the intersection of Pennsylvania Avenue (MD4) and Woodyard Road, identified as 9702 and 10200 Marlboro Pike, Upper Marlboro, Maryland, Council District 9; and

WHEREAS, the District Council deems it appropriate to accept Applicant's consent to the conditions of rezoning of the subject property as enacted in Zoning Ordinance No. 1-2022; and approve final conditional zoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval in Zoning Ordinance 1-2022, is hereby granted. Applicant's written acceptance of the conditions in Zoning Ordinance 1-2022, is hereby

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<sup>1</sup> The "C" at the end of the application number indicates that the District Council imposed "conditions" on rezoning of the property. PGCC § 27-157(b).

incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

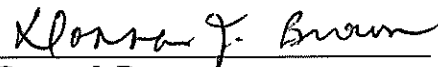
SECTION 2. Use of the subject property, as conditionally reclassified, shall be subject to all requirements in the applicable zone and conditions referenced above. Failure to comply with the conditions of rezoning shall constitute a zoning violation and shall constitute sufficient grounds for the District Council to annul the rezoning approved herein; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; and/or to take any other action deemed necessary to obtain compliance.

SECTION 3. This Ordinance is effective March 1, 2022, the date of receipt of the Applicant's acceptance of the conditions in Zoning Ordinance 1-2022.

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF THE  
MARYLAND-WASHINGTON REGIONAL  
DISTRICT IN PRINCE GEORGE'S COUNTY,  
MARYLAND

By:   
Calvin S. Hawkins, II, Chair

ATTEST:

  
Donna J. Brown  
Clerk of the Council



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council  
301-952-3600

February 15, 2022

**RE: A-10051 (Remand) Carozza Property  
Maria Volpe and Sandra Carey, Trustees/Carozza Property, Applicant**

## ***NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL***

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed a copy of Zoning Ordinance No. 1 - 2022 setting forth the action taken by the District Council in this case on February 8, 2022.

### ***CERTIFICATE OF SERVICE***

This is to certify that on February 15, 2022 this notice and attached Council order were mailed, postage prepaid, to all persons of record.

A handwritten signature in cursive script that reads "Donna J. Brown".

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Donna J. Brown  
Clerk of the Council

County Administration Building  
14741 Governor Oden Bowie Drive, Upper Marlboro, Maryland 20772

Case No.: A-10051  
Carozza Property

Applicants: Maria Volpe and Sandra Carey

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,  
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 1 –2022

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, by an individual Zoning Map Amendment.

WHEREAS, Zoning Map Amendment Application No. 10051 (A-10051) is a request to rezone approximately 60.02 acres of R-R (Rural Residential) zoned land to the M-X-T (Mixed Use-Transportation Oriented) Zone located in the southwest quadrant of the intersection of Pennsylvania Avenue (MD 4) and Woodyard Road, and is identified as 9702 and 10200 Marlboro Pike, Upper Marlboro, Maryland, Councilmanic District 9; and

WHEREAS, the application was advertised and the property was posted prior to public hearings, in accordance with all requirement of law; and

WHEREAS, the application was reviewed by the Planning Department's Technical Staff and;

WHEREAS, Technical Staff recommended disapproval of the application; and

WHEREAS, the Planning Board did not hold a hearing on the application but elected to adopt Technical Staff's recommendation of disapproval; and

WHEREAS, on January 15, 2020, the Examiner held an evidentiary hearing on the application; and

WHEREAS, at the close of the hearing, the record was left open to allow the Applicant additional time to submit certain documents; and

WHEREAS, on January 27, 2020, the Examiner closed the record; and

WHEREAS, on March 16, 2020, the Examiner recommended that the application be remanded with conditions; and

WHEREAS, on January 25, 2021, the District Council remanded the case in accordance with the Examiner's recommendation and agreed to by the applicants; and

WHEREAS, on February 9, 2021, the District Council adopted the prepared Order of Remand to the Examiner in accordance with the Examiner's recommendation; and

WHEREAS, on April 14, 2021, the Examiner held an evidentiary hearing on the remand; and

WHEREAS, at the close of the hearing, the record was left open to allow the Applicant additional time to submit certain documents; and

WHEREAS, on May 3, 2021, the Examiner closed the record; and

WHEREAS, on July 9, 2021, the Examiner recommended approval with conditions; and

WHEREAS, on August 3, 2021, opposition to the application filed exceptions and requested Oral Argument; and

WHEREAS, on January 10, 2022, the District Council held Oral Argument and the case was taken under advisement; and

WHEREAS, on January 25, 2022, the District Council voted to refer item for preparation of an approving document; and

WHEREAS, as a basis of this final decision, the District Council adopts and incorporates by reference, except as otherwise stated herein, the Examiner's findings and conclusions to rezone the subject property.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended to rezone approximately 60.02 acres of R-R (Rural Residential) zoned land to the M-X-T (Mixed Use-Transportation Oriented) Zone, located at the southwest quadrant of the intersection of Pennsylvania Avenue (MD 4) and Woodyard Road, part of Tax Parcel 99 and 100 recorded in the Land Records for Prince George's County in Liber 13557 at Folio 730, and identified as 9702 and 10200 Marlboro Pike, Upper Marlboro, Maryland.

SECTION 2. The request to rezone approximately 60.02 acres of R-R (Rural Residential) zoned land to the M-X-T (Mixed Use-Transportation) Zone<sup>1</sup>, located at the southwest quadrant of the intersection of Pennsylvania Avenue (MD 4) and Woodyard Road, part of Tax Parcel 99 and 100 recorded in the Land Records for Prince George's County in Liber 13557 at Folio 730, and identified as 9702 and 10200 Marlboro Pike, Upper Marlboro Maryland, Councilmanic District 9, is hereby APPROVED, subject to the following conditions:

- (1) The request will be subject to Conceptual and Detailed Site Plan approval in accordance with the strictures found in Part 3, Division 9 of the Zoning Ordinance.
- (2) The Conceptual Site Plan shall include the following:
  - (a) A general description of the pedestrian system proposed;
  - (b) The proposed floor area ratio;
  - (c) The type and location of uses proposed, and the range of square footage anticipated to be devoted to each;
  - (d) A general description of any incentives to be used under the optional method of development;
  - (e) Areas proposed for landscaping and screening;

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<sup>1</sup> Council may take administrative notice of facts of general knowledge, technical or scientific facts, laws, ordinances, and regulations. It shall give effect to the rules of privileges recognized by law, Council may exclude incompetent, immaterial, or unduly repetitious evidence. District Council Rules of Procedure Rule 6.5(f).

Council acknowledges the approval of the Countywide Map Amendment (CMA), effective April 1, 2022, and the property should be adjusted to the appropriate corresponding zone based on the Council's approved Decision Matrix.

- (f) The proposed sequence of development; and
  - (g) The physical and functional relationship of the project uses and components
- (3) The following information shall be included on the Detailed Site Plans:
- (a) proposed drainage system;
  - (b) All improvements and uses proposed on the property;
  - (c) The proposed floor area ratio of the project, and detailed description of any bonus incentives to be used;
  - (d) Supporting evidence which shows that the proposed development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program or with the current State Consolidated Transportation Program, will be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club) or are incorporated in a specific public facilities financing and implementation program, if more than six (6) years have elapsed since a finding of adequacy was Made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plan approval, whichever occurred last; and
  - (e) Supporting evidence of the preservation of the scenic corridor buffer along Pennsylvania Avenue (MD 4)
- (4) In addition to the findings required for the Planning Board to approve either the Conceptual or Detailed Site Plan (Part 3, Division 9), the Planning Board shall also find that:
- (a) The proposed development is in conformance with the purposes and other provisions of Part 10, Division 2, Subdivision 1 of the Zoning Ordinance;
  - (b) The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;
  - (c) The proposed development is compatible with existing and development in the vicinity;
  - (d) The mix of uses, arrangement and design of buildings and other improvements, and provision of public amenities reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;

- (e) If the development is staged, each building phase is designed as a self-sufficient entity, while allowing for effective integration of subsequent phases;
- (f) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development and the immediate area and sidewalk improvements, internal pedestrian connections, connectivity with adjacent properties and other pedestrian-oriented development shall be evaluated.
- (g) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention has been paid to human scale, high quality urban, design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial);
- (h) Applicant has submitted a noise study and shall use the appropriate noise and vibration mitigation measurements in developing the property; and
- (i) On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, with the current State Consolidated Transportation Program, or to be provided by the applicant (either wholly or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, through participation in a road club).

SECTION 3. A building permit, use permit, or subdivision permit may not be issued or approved for the subject property except in accordance with conditions set forth in this Ordinance.

SECTION 4. If the Applicant fails to accept the land use classifications conditionally approved in this Ordinance in writing within ninety (90) days, the 60.02 acres of the subject



property shall revert to the Rural Residential (R-R) Zone.

SECTION 5. BE IT FURTHER ENACTED that this Ordinance shall become effective on the date of its enactment.

ENACTED this 8<sup>th</sup> day of February, 2022, by the following vote:

In Favor: Council Members Davis, Franklin, Harrison, Streeter, Taveras, and Turner.


Opposed: Council Members Dernoga and Ivey.

Abstained: Council Members Glaros and Hawkins.


Absent:

Vote: 6-2-2.

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART OF THE  
MARYLAND-WASHINGTON REGIONAL  
DISTRICT IN PRINCE GEORGE'S COUNTY,  
MARYLAND

By:   
\_\_\_\_\_  
Calvin S. Hawkins, II, Chair

ATTEST:

  
\_\_\_\_\_  
Donna J. Brown  
Clerk of the Council